

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, April 24, 2019, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Consideration of minutes for the regular meeting on March 27, 2019
3. New Business

*Special Use Permit Request*

- A. **Application Z-19-007 by Mr. Joey Rouse of TNT Fireworks** is requesting a special use permit in order to allow the operation of a Temporary Outdoor Vending Establishment (seasonal fireworks sales), in accordance with the city of Murfreesboro Zoning Ordinance, Section 9.D.2 (eee). Property is in the 1 Highway Commercial (CH) zoning district, located at 2012 Memorial Blvd.
  - B. **Application Z-19-008 by Mr. Joey Rouse of TNT Fireworks** is requesting a special use permit in order to allow the operation of a Temporary Outdoor Vending Establishment (seasonal fireworks sales), in accordance with the city of Murfreesboro Zoning Ordinance, Section 9.D.2 (eee). Property is in the Commercial Fringe (CF) zoning district, located at 2478 New Salem Highway.
  - C. **Application Z-19-009 by Mr. Joey Rouse of TNT Fireworks** is requesting a special use permit in order to allow the operation of a Temporary Outdoor Vending Establishment (seasonal fireworks sales), in accordance with the city of Murfreesboro Zoning Ordinance, Section 9.D.2 (eee). Property is in the Highway Commercial (CH) zoning district, located at 2000 Old Fort Parkway.
4. Staff Reports and Other Business
  5. Adjourn

# MURFREESBORO BOARD OF ZONING APPEALS

## STAFF REPORT

April 24, 2019

**Application:** Z-19-007

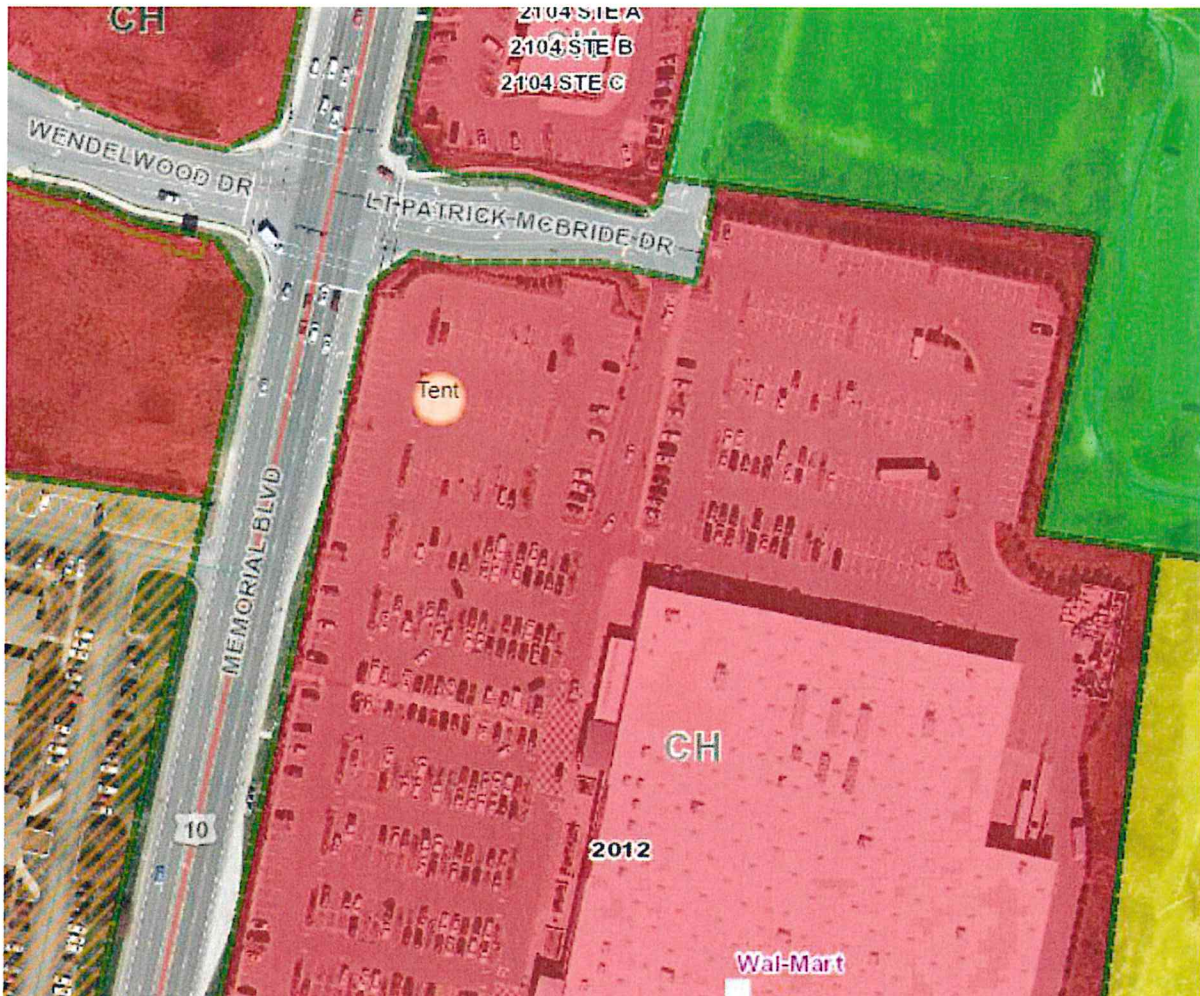
**Location:** 2012 Memorial Blvd

**Applicant:** Joey Rouse, TNT Fireworks

**Owner:** Walmart, Kyle Thurman

**Zoning:** CH (Highway Commercial District)

**Requests:** Special Use Permit to conduct Temporary Outdoor Vending (seasonal Fireworks Sales)



### **Special Use Permit Project Overview**

The applicant is applying for a temporary outdoor sales permit to conduct a seasonal fireworks retail business.

### **Relevant Zoning Ordinance Section**

Seasonal fireworks sales are not allowed within 200 feet of any fuel source, 250 of any establishment that is licensed to sell alcohol or beer, or within 250 feet of any property line. The applicant meets these conditions. Additional conditions include the following:

- 1) The sales may be from June 28, 2019 through July 5, 2019. Tent may be erected no sooner than July 1<sup>st</sup> and all materials and tent shall be removed by July 7<sup>th</sup>.
- 2) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 3) The applicant shall keep and maintain a fire extinguisher on site at all times.
- 4) The applicant shall keep the City's fireworks ordinance posted on site at all times.
- 5) Fireworks shall not be set-off on site.
- 6) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 7) The fireworks tent shall meet all minimum building setback requirements for the CF zoning district.
- 8) The applicant shall obtain a tent permit for the fireworks tent.

### **Staff Comments**

The applicant's proposal is consistent with the Temporary Outdoor Vending Establishment standards. If the Special Use Permit is approved, staff recommends the following findings:

#### **Findings for Standards of General Applicability for Special Use Permits**

Pursuant the standards of general applicability for Special Use Permits, City of Murfreesboro Zoning Ordinance, Section 9 (C)(1-5), the Board of Zoning Appeals does hereby find:

- A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, and utility facilitates, and other matters affecting the public health, safety and general welfare.

*The proposed fireworks tent complies with the standards of temporary outdoor vending establishment Section 9 (D)(2)(eeee). It would not have a substantial or undue adverse effect on the adjacent neighbors, character of the neighborhood, traffic, parking, utilities and general welfare.*

- B. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.

*This will be a temporary sales tent. The surrounding uses are commercial uses. This would not interfere with the adjacent properties or neighborhood.*

- C. That the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or persons or agencies responsible would provide such services.

*These services are already provided.*

- D. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.

*This fireworks tent will not result in destruction, loss or damage of any of these listed.*

- E. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.

*The fireworks tent will comply with the provisions listed in this section temporary outdoor vending establishment*

**Recommended Conditions of Approval:**

1. All conditions established by the ordinance should be adhered.

The applicant will be in attendance to respond to any questions the Board may have.

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant's Request Email
- 3) Photograph and Aerial Photo of the Property



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## STAFF REPORT

April 24, 2019

**Application:** Z-19-008

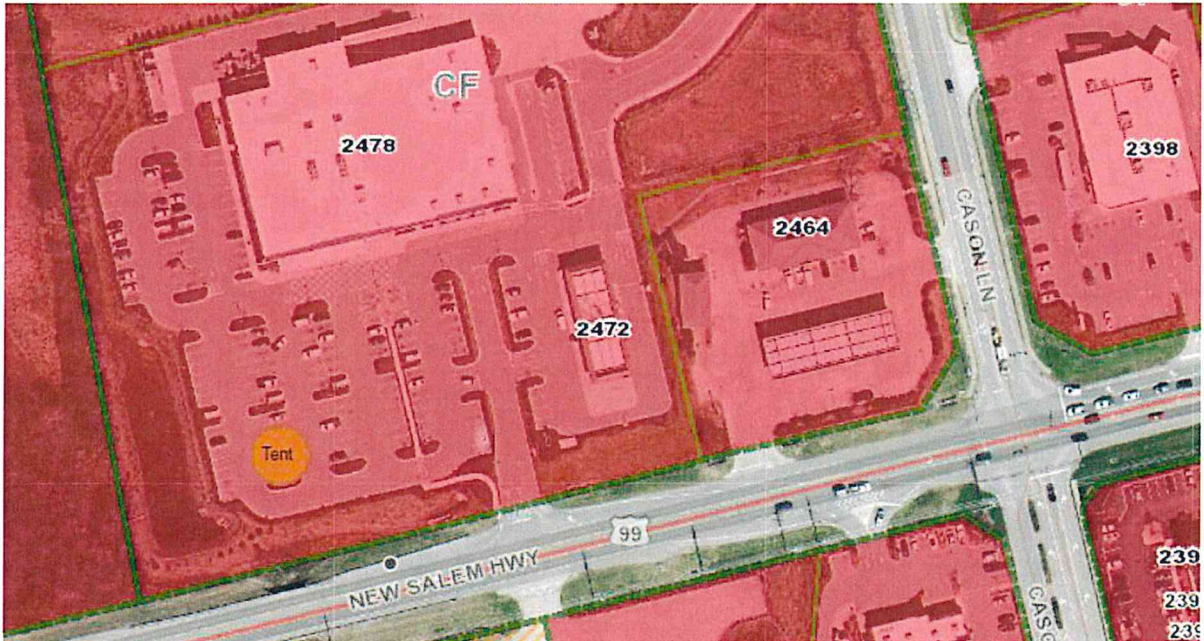
**Location:** 2478 New Salem Highway

**Applicant:** Joey Rouse, TNT Fireworks

**Owner:** Walmart, Kyle Thurman

**Zoning:** CF (Commercial Fringe District)

**Requests:** Special Use Permit to conduct Temporary Outdoor Vending (seasonal Fireworks Sales)



### Special Use Permit Project Overview

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- 8) The applicant shall obtain a tent permit for the fireworks tent.

### **Staff Comments**

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*The fireworks tent will comply with the provisions listed in this section temporary outdoor vending establishment*

**Recommended Conditions of Approval:**

1. All conditions established by the ordinance should be adhered.

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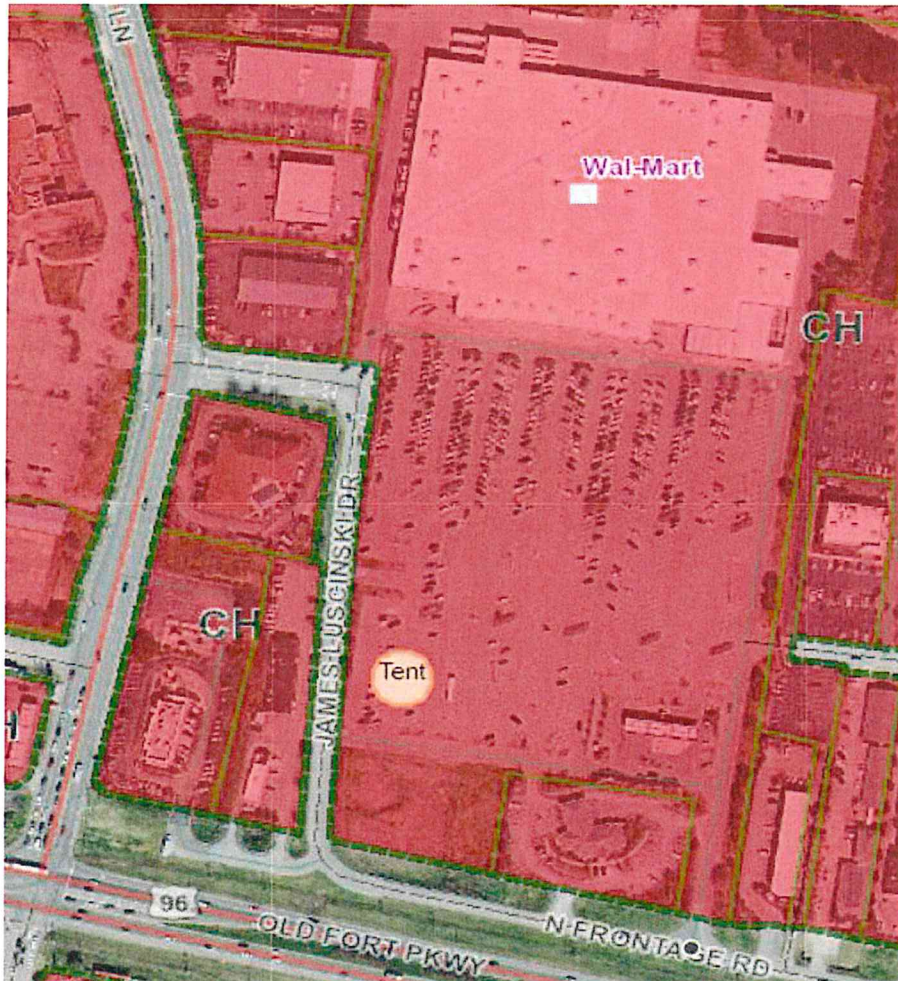
**Location:** 2000 Old Fort Parkway

**Applicant:** Joey Rouse, TNT Fireworks

**Owner:** Walmart, Kyle Thurman

**Zoning:** CH (Highway Commercial District)

**Requests:** Special Use Permit to conduct Temporary Outdoor Vending (seasonal Fireworks Sales)





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